

Exhibit R

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS: CRIMINAL TERM: PART TAP 1

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THE PEOPLE OF THE STATE OF NEW YORK, Indictment #
03569/2018

-against-

JACOB DASKAL,

DEFENDANT

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320 Jay Street
Brooklyn, NY 11201
September 23, 2019

B E F O R E:

HONORABLE WILLIAM MILLER,
Supreme Court Justice

A P P E A R A N C E S:

Eric Gonzalez, Esq.
District Attorney, Kings County
BY: Kevin O'Donnell, Esq.
Assistant District Attorney

Meister, Seelig & Fein LLP
125 Park Avenue, 7th Floor
New York, NY 10017
BY: Evan Lipton, Esq.
Attorney for the defendant

Adria J. Abbate
Senior Court Reporter

PROCEEDINGS

1 (Whereupon, the following takes place on the
2 record in open court, in the presence of the Court,
3 assistant district attorney, defense counsel and Defendant.)

4 COURT CLERK: On the TAP 1 calendar, number 9,
5 Jacob Daskal. Defendant is present before the court with
6 counsel. Appearance, please.

7 MR. LIPTON: Good morning, Judge. Evan Lipton,
8 125 Park Avenue on behalf of Mr. Daskal who is beside me in
9 court.

10 THE COURT: Good morning.

11 MR. O'DONNELL: Kevin O'Donnell for the People.
12 Good morning, Your Honor.

13 THE COURT: So let's see, in February Eastern
14 District will take place, then I put it on for hearing and
15 trial. I guess that wasn't happening. Maybe it was. We'll
16 find out. ADA O'Donnell is on the file. Your name is on
17 the file?

18 MR. O'DONNELL: Yes, it's my case, Judge.

19 THE COURT: All time since April 4th was
20 excluded. I did that. Related charges under investigation.

21 MR. O'DONNELL: Right.

22 THE COURT: Both sides to be ready. Anybody want
23 to talk to me what's going on?

24 MR. O'DONNELL: I do, Judge, if it is okay.

25 THE COURT: Please.

PROCEEDINGS

1 MR. O'DONNELL: Mr. Lipton and I spoke about two
2 weeks ago. I think he was under the misimpression that we
3 were consenting to all the arrangements and we are not. So
4 he served me with a motion today for a Mapp hearing and for
5 a motion to controvert the search warrant in the case. So I
6 would like an opportunity to respond because --

7 THE COURT: What's happening with the Eastern
8 District?

9 MR. O'DONNELL: The Eastern District, there are
10 two computers that were recovered in our search warrant that
11 were turned over to the FBI in August. It is just that a
12 series of property that they picked up. So they had the
13 same complaining witness in common. In August, there were,
14 I believe, about 29 or 30 devices recovered. So going
15 through all of them is not feasible. They had the
16 complainant in to identify which computers the defendant is
17 most likely using, both of those were picked up by an FBI
18 agent in August to proceed with the search warrant.

19 THE COURT: Was he arrested?

20 MR. O'DONNELL: He's not. He is being
21 investigated. Judge, can we approach?

22 THE COURT: Sure.

23 (Whereupon, an off-the-record discussion was held
24 at the bench.)

25 THE COURT: For the record, the order of

PROCEEDINGS

1 protection is extended. We'll put it on for final
2 conference middle of November.

3 COURT CLERK: Middle of November, November 18th?

4 MR. LIPTON: November 18th is good.

5 COURT CLERK: Okay, November 18th.

6 THE COURT: Okay. Mr. O'Donnell will respond in
7 approximately two weeks and hopefully I'll make a decision.

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9 This is certified to be a true and accurate
10 transcript of the stenographic notes.

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Adria J. Abbate

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Adria J. Abbate

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Senior Court Reporter

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